

DETAILED ACTION

Election/Restrictions

Claims 32, 33, 40, 43-52, 55-58 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 9/26/2008.

Applicant's election with traverse of Species A, holding element subspecies A, key subspecies C, holding spring subspecies A, body part subspecies C and fastener subspecies F in the reply filed on 9/26/2008 is acknowledged. The traversal is on the ground(s) that the "essence of all claims is a single invention". This is not found persuasive because Examiner recognizes invention as parts to a hinge, but the wording of the specification shows mutually exclusive interchangeable elements of the invention. For example, applicant discloses a holding element of one embodiment in [0022], and then further alters the embodiment in [0023], and then a completely different article in [0025] ("can also be formed by a leaf spring bent in a suitable manner" from [0025] and metal pieces with a rotary tool in [0022]). Examiner also notes applicant uses language such as "another embodiment" and "constructed differently" in the list of the figures, which means applicant considers there to be different species within the application.

The requirement is still deemed proper and is therefore made FINAL.

Regarding claims 38 and 41, the specification discloses that the projections are present in figures 11 A-D [0096], figures 12 J-P [0101] and figure 18H [0103]. None of

these sets of figures have been elected by applicant. Since these claims are drawn to a non-elected species, they will not be examined.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: [0105] describes figures 19 D-H as having pieces 136. The figures as present do not show pieces 136, but show parts 1136. Examiner assumes this as a typo for the purposes of this action, and considers pieces 136 from the specification and 1136 in the figures as the same part. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: parts 1028, 1036, 1136 from figures 19 A-H are not present in the specification. Examiner notes there are several indicators that are missing in the

specification that are present in the drawings, and urges applicant to correct all oversights regarding this matter. Examiner further notes the presence of a parts list in the specification on pages 18-21, and thanks applicant for the effort; however, Examiner also urges applicant to finish this list. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pin arrangement of claim 35, the dividing wall of claim 36, and the spiral pressure springs of claim 37 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 34 is objected to because of the following informalities: Applicant claims what sounds like a cylinder that is rectangular in cross section. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30, 31, 53, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over patent 6286185 to Ramsauer, in view of patent 3426817 to Parkin.

Regarding claim 30, Ramsauer discloses:

A hinge (figure 1) comprising: at least one hinge part 12 which can be mounted in an opening in a thin wall such as a sheet-metal cabinet door (abstract); a head part, such as a flange or hinge leaf (hinge part 12 is a hinge leaf, column 4, line 66), which overlaps a rim of the opening of the thin wall on an outer side (figures 24, 11, 22); a body part 240 (figures 11, 14) which proceeds from the head part (or leaf, figure 11) and can be pushed through the opening in the thin wall 160 (figure 11); and a holding part (nut 280) which is carried by the body part 240 (figure 11), supported on another rear side of the thin wall by article 280 (figure 11), and is separate from the body part 240, shown alone in figure 14. Ramsauer does not disclose the use of holding elements with inclined surfaces.

Parkin discloses a sheet metal nut device, which has a holding part (figure 1) being formed by holding elements 2 which project in a flexible manner from the body part in the direction of its outer surface (figure 4) and whose free end has an inclined surface (to interact with threads of the screw, shown in figure 4) for supporting the body part on the rim or edge of the opening without play.

It would have been obvious to one of ordinary skill in the art to use the Parkin sheet metal nut device on the attaching device of Ramsauer. Since the hinge of Ramsauer is used in a thin sheet metal article, it would have been obvious to one of ordinary skill to use an appropriate screw to attach the hinge to the article, as well as use a well known sheet metal nut device for the sheet metal screw. Column 3, lines 30-32 discloses that a standard nut and a cap nut can be used on the back of the screw. Since both are known to hold a screw in place, it would have been obvious to use another known device on the back of the screw.

Regarding claim 31, Ramsauer as modified discloses the hinge according to claim 30, wherein two holding elements (figures 11 and 12) which are arranged diametrical to one another are provided and are acted upon by wedge arrangements such as a screw or bolt, as shown in both Ramsauer and Parkin.

Regarding claims 53 and 54, Ramsauer as modified discloses the hinge according to claim 30, wherein a second hinge part (opposite leaf, figures 2, 11 and 25) which is swivelably connected to the first hinge part 12 (via hinge pin 44) has a construction analogous to that of the first hinge part (shown symmetrical in the figures listed above), and attaches to frame 58 on one side, and the other side to door leaf 60.

Claims 34, 35, 36, 37, 39, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsauer in view of Parkin as applied to claims 30 and 31 above, and further in view of patent 1950205 to Young.

Regarding claims 34 and 35, Ramsauer as modified discloses the hinge according to claim 30, but does not disclose the holding elements are slides.

Young discloses a pin having a head, latching lugs 40 that expand according to the spring 41 in either direction. These are located in a cylinder (pin 35 is round) and expand parallel to the plane of the thin wall.

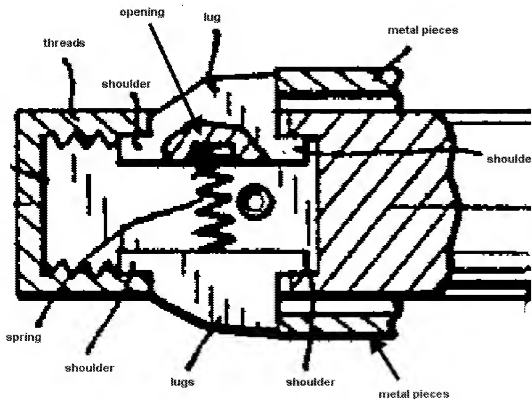
Examiner notes that the slides expand in a cylinder. In this case, the cylinder would be the shape of the metal nut device of Parkin, which is shown as rectangular in the figures. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create the sidewalls 7 and 8 in a cylindrical shape, as a change in the shape of a prior art device is a design consideration within the skill of the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a pin such as Young in the modified Ramsauer device with the Parkin nut. This would provide an additional method to ensure that the Young pin does not get pulled out of the hinge device. The Young pin would be inserted into the Ramsauer hinge much like the screw of figure 11, extend into the Parkin sheet metal nut, and expand within the walls 7 and 8, and inclined surfaces 2 would interact with the threading provided for the cap. Placing the inclined surface 2 would take place of the cap, keeping the latching lugs 40 of Young in the pin. Young discloses a spring 41. Applicant discloses that a spring and a pin arrangement result in a similar construction and disclose each as an alternative to each other in [0017], making those obvious variants of each other.

Regarding claim 36, Ramsauer as modified discloses the hinge according to claim 34, wherein the cylinder of Parkin has an undercut edge 9a, at which the slides of Young are supported axially by a shoulder or hook and 11, shown in figure 4 of Parkin, and the slides are supported by shoulders 39 by Young as well.

Regarding claim 37, Ramsauer as modified discloses the hinge according to claim 30, but does not disclose the holding element with an opening for a pressure spring.

Young discloses a pin having a head, latching lugs 40 that expand according to the spring 41 in either direction. These are located in a cylinder (pin 35 is round) and expand parallel to the plane of the thin wall. They are received in openings of the lugs, shown in figure 5, also shown below.



It would have been obvious to one of ordinary skill in the art at the time of the invention to use a pin such as Young in the modified Ramsauer device with the Parkin

nut. This would provide an additional method to ensure that the Young pin does not get pulled out of the hinge device. The Young pin would be inserted into the Ramsauer hinge much like the screw of figure 11, extend into the Parkin sheet metal nut, and expand within the walls 7 and 8, and inclined surfaces 2 would interact with the threading provided for the cap. Placing the inclined surface 2 would take place of the cap, keeping the latching lugs 40 of Young in the pin. Young discloses a spring 41.

Regarding claim 39, Ramsauer as modified discloses the hinge according to claim 37, wherein the holding elements of Young are formed by two flat metal pieces 16 lying next to one another, each of which has an opening (formed in latching lugs 40), these two openings together forming a space which receives a spiral pressure spring 41 by at least a portion of its diameter.

Regarding claim 42, Ramsauer as modified discloses the hinge according to claim 37, wherein the holding elements of Young are formed by a metal piece or by two metal pieces lying next to one another which is/are held jointly by a spring in such a way that these two or three parts form a manageable unit that is stable in itself. These pieces are formed together as a part of pin 35 of Young, and can be used as an attachment pin in another function.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMILY M. MORGAN whose telephone number is (571)270-3650. The examiner can normally be reached on Monday-Thursday, alternate Fri, 7:30am to 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/
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